Exclusive: **The ACLU's Directors Prepare to Jettison Its Principles**

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The Hunger Marches Begin Again

Sitting down in that crowded auditorium they looked like any group of middle class Americans in their standardized sack suits, white shirts and four-in-hand ties. But the backs of their necks, red and wrinkled from the constant sun, gave them away, as did the broad-brimmed Stetsons on their laps. The "cattlemen's caravan" from the West and Southwest had arrived.

Camera men swarmed over Jefferson auditorium at the Department of Agriculture, operating even from high red ladders propped up on the stage. The Secretary of Agriculture, Ezra Benson, moved affably about on the floor below them, shaking hands, playing the democratic host. In his rimless spectacles, with his thin nose and rather anemic expression, the Secretary looked like the first vice president of any small town bank, or a well-to-do deacon playing usher at church on Sunday.

Everybody was on their best behavior, and indulged in the polite prevarications called for by the occasion. Assistant Secretary of Agriculture Davis assured the cattlemen they were welcome, and their main spokesman, Dennis Driscoll, assured the Secretary they were not there as a pressure group. They rose to their feet when Benson began to address them, and gave him polite applause at the close, but the only point at which they warmed up was when he said his mind was still open on the question of support prices for livestock. This also turned out to be a fib.

The Republicans had been back in power less than a year. Only a few months had elapsed since the fighting stopped in Korea. But the wheels were already slowing down and here was the first of those hunger marches again. These were not peasants in tatters, nor emaciated men in rags. "We're not a rabble, Mr. Secretary," said their leader, Driscoll, a short stocky cattleman from Colorado Springs, with a stub nose and graying marcelled hair. "I dropped $100,000 this year on 1,000 head of cattle and I'm still in business. But there are men here who are broke. They have no money to feed their cattle. They're going to lose their foundation herds. They face the liquidation of their life work."

The witnesses from the floor were brief and eloquent. "I've been in the sheep and cattle business all my life and my father before me," said one cattleman from Utah. "As a young man I went broke in 1921 and my wife and I homesteaded in the sage brush. We lost most of what we had again in 1932. We see another depression coming and we want to stop it." There was an alarmed hush from the cattleman and a hopeful ripple of applause from Benson and his aides when one man from Sherman, New Mexico, got up to say, "I don't think my government owes me anything. I'm only asking my just rights under the Constitution." There was a burst of applause from the cattlemen when it turned out that for him as for the rest of them "just rights under the Constitution" meant support prices for livestock.

One cattleman said, "*I defy any man* to call me a socialist or anything." These men visualized themselves as rugged individualists—and indeed most of them bore the visible marks of rugged living. But Benson and his aides, behind their composed faces, could not have been blamed if they regarded them as traitors to the cause of free enterprise. The attempt to stabilize the economy, balance the bulget, and restore a sound dollar had hardly begun. And here was socialism creeping—perhaps galloping—in again!

Benson did his best. He spoke of "adjustments" and of doing everything "practical and feasible." He spoke of an overproduction of cattle. He made a demagogic reference to "the doctors and lawyers and beauty shop operators" who had "put a few head of cattle in their backyards and sat back to watch their money grow." "There had to be an adjustment," he pleaded. But with these, the men who would be "adjusted" out of business, his plea was a failure, as one could tell from the angry outbursts when they met later with their National Farmers Union sponsors in a dingy American Legion hall at Third and E Streets, N.W.

The old problems were back and the old issues. Cattle, cotton, wheat and corn were in "oversupply" again, and once more poverty was appearing amid plenty. Benson spoke for those who had benefitted by inflation and had the money to weather a "healthy shakedown." His meager relief measures, like Hoover's, are poured in from the top and dribble weakly toward the bottom; the packers are the first beneficiaries of the current beef buying, and a Meat Institute man has been chosen by Benson to "investigate" the spread between beef on the hoof and beef on the table. The clock is turned back two decades, and again the first rumblings of discontent are from the farm country. The difference is that now the idea of government subsidies and government controls are so deep rooted that Benson's position is politically hopeless.

Unless a temporary way out is found by renewed war in Korea, there will be more of these "marches," as farm income falls and industrial employment sags. From the standpoint of capitalist economics, these pyramiding subsidy costs and controls are deadly. But so long as people have the right to vote, it is hard to keep them from voting security for themselves. Each control, as Benson rightly argues, forces another and there is no end in sight short of complete regulation. Thus while we carry on a counter-revolutionary crusade against those "isms" abroad they make themselves felt at home. Men who never heard of Marx move America inescapably toward a socialism of our own.

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Will They Override the Referendum They Lost?

The ACLU's Directors Prepare to Jettison Its Principles

The American Civil Liberties Union, which was born in the Red scare after World War I, may become the victim of the Red scare which has followed World War II. Its national board of directors at their regular meeting next Monday (November 2) may split the organization wide open by voting to override the results of a national referendum which has just decisively rejected three policy statements proposed by a majority of the national board.

These statements have the effect of weakening the traditional libertarian principles on which the ACLU was founded and of putting the organization in the position of condoning (1) guilt by association, (2) loyalty purges in the UN, the Federal government, schools and private industry and (3) the discharge and blacklisting of persons who invoke their privilege under the Fifth amendment.

Of the ACLU's 23 national affiliates, one abstained, three small ones supported the Board and the remaining 19 voted to reject the proposed new statements of policy. To override this verdict, the Board may invoke a provision newly added to the by-laws two years ago. This says the Board shall act in accordance with the majority recommendations of the biennial conference, "the preponderant advice" on any question submitted between biennial conferences and "the majority in a referendum." But the provision adds immediately thereafter, "*except where it [the Board] believes there are vitally important reasons for not doing so* which it shall explain to the corporation members."

A motion to override the referendum lost by one vote at the Board's last meeting on October 19. Since then three members who voted to sustain the referendum have said they wanted to reconsider their vote. A majority to override therefore seems assured but a vote to override will precipitate a battle at the next biennial conference, which is scheduled to convene in New York during the Thanksgiving holiday at the end of next month.

Malin Disturbed by Leak

Every effort has been made to keep the fact and content of the referendum a secret, though the ACLU, as America's oldest and most respected civil libertarian organization is certainly (to borrow a phrase from public utility law) "affected with a public interest." The text of the proposed policy statements and the arguments submitted pro and con in the referendum leaked, however, through the militant Northern California branch of the ACLU, which printed them in its monthly bulletin, published at 503 Market Street in San Francisco.

Patrick Malin, national director of the ACLU, said publication had created "difficulty," explaining that "There would normally be no publicity during a referendum. . . . There would ordinarily be even after a referendum, no release of such complicated and technical material—in any event, not without an attempt at paraphrasing it intelligently for the general reader, and at putting the material in its full context."

There are others within the ACLU and outside it who believe the fullest publicity called for when so important an organization in times as difficult as these is on the verge of compromising the fight for civil liberties. Publicity is especially important where Malin and a majority of the National Board are preparing to override the referendum of their own membership. When a representative of the *Weekly* put some questions about the referendum to the national office, the editor was angrily accused of unethical journalism. The charge is interesting in view of the dubious course on which the national officers and a majority of the national board are preparing to embark.

The three proposed policy statements are extraordinarily vague and verbose, but their ambiguities and concessions flow out of the statement condemning the American Communist party as obedient to "a despotic foreign power which dominates a world-wide revolutionary movement unprecedentedly threatening the national independence and individual civil liberties of all other countries."

The Familiar Premises of the Witch Hunt

Intellectually this has been well disposed of in one letter of protest published by the Northern California *Civil Liberties Union News* for September which says this portion of the statement "oversimpliflies" the world situation "to the point of dangerous idiocy." From this familiar premise of McCarran and McCarthy flows the equally familiar conclusion that Communists are in a special class. The ACLU says it will defend the rights of Communists and says it does not condone "guilt by association" *but* declares "it is not a violation of civil liberties to take into account a person's voluntary choice of associations when that choice is relevant to a particular judgment . . ."

This leads—through a forest of phrases as tortured as the conscience of the Board—to the proposition that despite invocation of the Fifth amendment or the First, "It is not a violation of civil liberties for authorities legally responsible for employment in certain areas—including government, the United States and education—to ask . . . questions relating to an employee or prospective employee's present, recent or pertinent past membership in, or submission to the discipline of, the Communist party or other totalitarian organizations, and—if he refuses to answer—to take into account that refusal and give it such weight as may be appropriate in the particular circumstances."

This places the imprimatur of the ACLU on the widening loyalty purge, and on punishment for refusal to answer—not questions about possible crime—but questions about past or present associations with a political party still legal in this country. Note that the wording does not deal merely with membership but with "submission to the discipline of" the Communist party, a much looser matter, open to just the kind of abuse visible in the Lattimore case.

Broad Enough for McCarran and McCarthy

So much for employment purges. What of the Congressional witch hunt? The proposed statement says weakly, "questions concerning Communist or other totalitarian associations which are not illegal should, in the case of a legislative committee, *generally be limited* to the purpose of possible legislation within its purview." The italics are ours. This is broad enough to cover the needs of McCarran and McCarthy.

A letter of protest published by the Northern California branch well says of these proposed statements, "The threat of the American Communist is defined as being of such proportions that a bet on democracy in open competition would be a poor one." This is a strange position for a civil libertarian organization. The rationale was well summarized and rebutted by Mr. Justice Black in his dissent in the *Dennis* case. Of the court's decision to abandon the clear and present danger rule, Mr. Justice Black said, "the chief reason for jettisoning the rule is the expressed fear that advocacy of Communist doctrine endangers the safety of the Republic. Undoubtedly, a governmental policy of unfettered communication of ideas does entail dangers. To the Founders of this nation, however, the benefits derived from free expression were worth the risk."

This is the faith the ACLU is abandoning in its search for respectability. Instead of fighting the spreading witch hunt and the widening loyalty purge, it accepts and excuses them. Unless the membership acts strongly, the watchdog of civil liberty may nestle down as the lapdog of its enemies.

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I. F. Stone's Weekly

• ***Editor and Publisher,*** **I. F. STONE**

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From Around the Capitol

THE VOTE WE WOULD HAVE CAST: Were we a resident of New York, we would cast our vote next Tuesday for Clifford T. McAvoy, and his colleagues of the American Labor Party ticket, to help keep alive one radical party in New York and to show our respect for McAvoy, an able public servant in the La Guardia Administration and a courageous defender of civil liberties in these cowardly times.

PEACE POINTER: The oil industry, a world state-within-a-state, with better sources of information than many governments, seems to expect world tension to die down. The Petroleum Administration for War, set up after the Korean fighting began, is to be liquidated. The National Petroleum Council has been summoned to meet here December 3, a month ahead of schedule, to pass on a subcommittee report recommending a successor agency. This is expected to be nothing more warlike than the old Gas and Oil Division of the Department of the Interior, which the PAD absorbed.

THOSE GERMAN CURRENCY PLATES STOLEN FOR THE RUSSIANS: The witch hunt *whodonit* about how a spy ring in the U.S. Treasury during the war stole the allied military occupation currency plates for the Russians was rehashed for the umteenth time before the Jenner committee last week by Elizabeth Bentley. But last Sunday the conservative and respected Washington *Star* ran a story almost two columns long citing "competent and informed sources . . . American officials close to the original decision on the German marks deal" as saying "Red Army in Europe, Not Spies, Got Military Currency Plates." The story told by the *Star*: The decision to print occupation currency for Germany was taken early in the war by British, American and Russian military fiscal authorities. It was first suggested that the money be printed at one central place and shipped to the three powers in accordance with allocations. The Russians rejected this. They said it would be simple to distribute this money to the British and Americans "who were fighting behind a single line" but might be difficult if not impossible to get it to the Russians. They threatened to develop their own occupation currency unless furnished plates with which to print their supply of the occupation marks.

ADD PRIVATE ENTERPRISE: Last spring the owner of a New York building maintenance concern made a splash by telling a Congressional subcommittee private business could clean government buildings twice as often for one-fourth less than the government's own GSA cleaning staff. GSA was hauled on the carpet and agreed as an experiment to invite bids from private contractors on one of Washington's biggest buildings, South Agriculture. James A. Campbell, president of AFL American Federation of Government Employes, discloses that when bids were opened recently, the low bid came from the firm whose head had testified last spring. But his bid was more than 40 percent higher than the present cost of GSA operation, while other bids ran as high as $1,208,079 a month as compared with the GSA cost of $321,152 for the year.

MOTE IN OUR OWN EYE DEPT: "In contrast to the Soviet system of criminal justice, Attorney General Brownell told the New York Herald-Tribune Forum last week, "our system sets up elaborate safeguards to protect the innocent who have been charged with crime." He specified, among others, the right to know the nature and cause of any accusation and to confront accusing witnesses. Three days later the White House announced that 1,456 government employes had been discharged since May 27th under the Eisenhower Security Order which Brownell helped to frame. This, like Truman's Loyalty Order, permits Americans to be branded as untrustworthy for the rest of their lives often without being told the exact nature of the accusation against them and without a chance to confront their accusers. The standard of reasonable doubt is abandoned. Where derogatory information turns up against any employe, the head of the department or agency must determine "whether retention of such person is clearly consistent with the interests of the national security." This means that where there is any doubt, the doubt is resolved against the accused.

GRATEFUL FOR SMALL MERCIES DEPT.: Robert Morris, chief counsel of the Jenner committee, has been having his troubles with New York City bar associations as candidate for Municipal Court Justice in the Ninth Manhattan District. Morris declined to furnish information to the judiciary committee of the New York City Chapter of the National Lawyers Guild on the ground of "unpleasant experiences with two other bar associations' judiciary committees." Experience as counsel to the McCarran and Jenner committees is not the best exercise for developing a judicial temperament, but those lawyers who deal with all three witch hunt committees—Jenner, Velde and McCarthy's—have been so enraged by the arrogance of McCarthy's Roy Cohn that they have come to take an almost idyllic view of Morris. Morris is said by contrast to be gentlemanly and ready to show the victims and their counsel at least elementary courtesy on their way to the pillory.

HARVEY O'CONNOR: Pleaded not guilty to contempt before Judge Holtzoff in Federal district court here October 23, released in $1,000 bail, his First amendment plea set down for trial January 11.

DON'T RUE IT — DO IT

Last week we received a subscription from a former reader of *PM* and *Compass* in a Western State. He said that in going over his papers he had just come across a letter I sent out last November asking subscriptions for a proposed weekly. "Now if your address is still the same," he wrote, "and that weekly is being published, here's my sub with apologies. I meant to subscribe then but somehow . . ." If others had acted like our friend in the West, there would have been no *Weekly*. There will continue to be a *Weekly* only if you—yes, you—renew now while you think of it. Use the blank on the reverse side TODAY, and remember you can get an extra year or a sub as a Xmas gift for a friend for $4 extra. Let our friend in the West be a lesson to you. So we say—*don't rue it, do it.* And do it today.

With many thanks, I. F. STONE

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JENNINGS PERRY'S PAGE

Alabama Casts Her Coast for the Commonwealth

All of us, I think, must now root for Alabama, the first state to reach the Supreme Court with a flat challenge of the 1953 submerged lands act. Arkansas has been in the running, but Arkansas is, after all, the second state alphabetically; besides, it is easier for Alabama, with the crime on, as it were, her very front porch, to show hurt.

Arkansas has a shore on the Mississippi River, a navigable stream, and can argue reasonably that the Gulf of Mexico must belong to all of the people also, as a mere extension of the river. Alabama, however, has an 80 mile front on the sea itself. The new law, confirming the "historical rights" of Florida, Louisiana and Texas to the waters out to ten miles from the lengthy coasts, of these states, hems her in.

We need not speculate on what might have been Alabama's attitude had *her* seashore stretched for hundreds of miles—as surely might have been the case had those brave Spanish captains Panfilio de Navaraez and Hernando de Soto settled Mobile Bay instead of leaving it to the French. What is important, whether or not a historical accident lies at back of the emergence of this champion against the famous historical rights, is that the fight to test the legality of the Eisenhower Administration's great give-away of offshore oil is so promisingly launched. Within six weeks, by order of the Court, the government as well as the states favored by the act must show cause why they should not be sued for improper alienation of property and for trespass.

The Alabama petition maintains the state's claim, as one of the 48 states, to a share of the $62,000,000 in impounded oil funds held by the government, and seeks further to enjoin the states holding offshore sovereignty under the act from demanding licenses of or otherwise interfering with Alabama fishermen. The relief thus sought, if granted, would re-establish freedom of the seas in the Gulf and do much to ease conflicts and tensions among states, and not only among states but between nations, resulting in that area from passage of the submerged lands act.

These troubles probably had not been foreseen by those who bulldozed the act through Congress this spring as the first important—as almost the only important piece of legislation completed by the new administration. While Sparkman and Kefauver protested, and Wayne Morse filibustered, the rest of the nation rather phlegmatically assumed that the Republicans "owed" the debt to the oil interests which had helped their party break the Solid South and had to pay it, and that would be the end of the business. The oil fleets rushed out with their depth charges to prospect their new domain.

It was then that the interests of the oil industry in the Gulf collided with the interests of an industry that was old and adventurous when oil was an unsuspected treasure in the bowels of the earth. The fishermen out of Mobile, out of all the ports on the vast curving coast from Brownsville, Texas to Key West, began to encounter new difficulties in the waters they always had used at will—particularly the shrimpers, whose annual catch makes up in value and quantity by far the largest part of the seafood harvest.

What had the fishermen to do with state lines? Outside the traditional three mile limit they had hunted without let, casting their nets where seemed to them good. The idea of state conservation patrols in the open sea hit them hard. True, on the shores of Yucatan, where the richest hauls of the great pink shrimp are taken, they had sometimes had brushes with the Mexican authorities; but their own government always had been able to back them up. Outside the three-mile limit it was anybody's ocean. . .

Now their own government can do little for them. By the submerged lands act it has tied its own hands: for the ten mile limit asserted by Mexico is based on precisely the same historical rights—the old Spanish claims—recognized by Congress this spring to California, Texas, Louisiana and Florida. And Mexico's claim is older and of firmer descent than theirs.

Under the circumstances the situation in the Gulf has been slipping fast, and it is pleasant to suppose that the plea of Alabama, once the capitol of the Confederacy, may yet save both the honor and the commonwealth of the Union.

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